

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A specimen surface level adjusting method used in a ~~pattern inspecting apparatus for inspecting a pattern on a specimen surface on the basis of a detected image obtained by projecting inspecting light onto the specimen surface, the specimen surface level adjusting method comprising:~~

~~projecting level measuring light onto the specimen surface;~~

~~detecting the position of the measuring light reflected on the specimen surface;~~

~~calculating the level of the specimen surface on the basis of the position of the optical axis;~~

~~adjusting the level of the specimen surface so that the calculated level may be held within the depth of focus of a pattern inspecting optical system;~~

an apparatus for inspecting a pattern on a surface of a specimen with a pellicle frame, wherein the apparatus comprises an optical system of inspecting the pattern on the basis of a detected image obtained by projecting inspecting light onto the specimen surface and of scanning the specimen two-dimensionally; a moving mechanism of moving the specimen in the direction of level during the optical system scans the specimen; an autofocus mechanism of focusing the optical system on the specimen surface by servo driving the moving mechanism on the basis of the intensity of the reflected light of the level measuring light projected onto the specimen surface;

the method comprising:

detecting the loss of the reflected light caused by the pellicle frame blocking out the level measuring light or the reflected light;

stopping the servo driving, if the loss of the reflected light is detected; and

fixing the specimen surface to a reference level, ~~if the loss of the reflected light is detected~~ while the servo driving is stopped.

Claim 2 (Original): The specimen surface level adjusting method according to claim 1, wherein the measuring light is projected diagonally onto the specimen surface.

Claim 3 (Original): The specimen surface level adjusting method according to claim 1, wherein the reference level is the level immediately before the specimen surface is fixed.

Claim 4 (Original): The specimen surface level adjusting method according to claim 1, wherein the reference level is the average value of the level in a specific period of time before the specimen surface is fixed.

Claim 5 (Currently Amended): The specimen surface level adjusting method according to claim 1, wherein

the reflected light is caused to enter an optical sensor including a plurality of photoelectric conversion elements, and

~~at least one of the position of the optical axis and the intensity~~ the loss of the reflected light is detected by monitoring the photoelectric conversion output of each of said plurality of photoelectric conversion elements.

Claim 6 (Original): The specimen surface level adjusting method according to claim 1, wherein

a specimen having the specimen surface is placed on a piezoelectric element, and

the level of the specimen surface is adjusted by a voltage applied to the piezoelectric element.

Claim 7 (Currently Amended): A specimen surface level adjusting method used in a ~~pattern inspecting apparatus for inspecting a pattern on a specimen surface on the basis of a detected image obtained by projecting inspecting light onto the specimen surface, the specimen surface level adjusting method comprising:~~

~~projecting first measuring light for level measurement onto the whole of the specimen surface;~~

~~detecting the intensity of the reflected light of the first measuring light;~~

~~recording position information about projected position where the intensity is less than a specific threshold value;~~

~~projecting second measuring light for level measurement onto the specimen surface;~~

~~detecting the position of the optical axis of the reflected light of the second measuring light;~~

~~calculating the level of the specimen surface on the basis of the position of the optical axis;~~

~~adjusting the level of the specimen surface so that the calculated level may be held within the depth of focus of a pattern inspecting optical system; and~~

~~fixing the level of the specimen surface to a reference level at the projected position corresponding to the recorded position information~~

an apparatus for inspecting a pattern on a surface of a specimen with a pellicle frame, wherein the apparatus comprises an optical system of inspecting the pattern on the basis of a detected image obtained by projecting inspecting light onto the specimen surface and of scanning the specimen two-dimensionally; a moving mechanism of moving the specimen in

the direction of level during the optical system scans the specimen; an autofocus mechanism of focusing the optical system on the specimen surface by servo driving the moving mechanism on the basis of the intensity of the reflected light of the level measuring light projected onto the specimen surface;

the method comprising:

detecting the loss of the reflected light caused by the pellicle frame blocking out the level measuring light or the reflected light;

recording the position of the pellicle frame where the loss of the reflected light is detected before inspecting the pattern;

stopping the servo driving, when the pellicle position reaches the position where previously recorded; and

fixing the specimen surface to a reference level while the servo driving is stopped.

Claim 8 (Currently Amended): The specimen surface level adjusting method according to claim 7, wherein the measuring light is ~~the first and second measuring lights are~~ projected from a single light source diagonally onto the specimen surface.

Claim 9 (Original): The specimen surface level adjusting method according to claim 7, wherein the reference level is the level immediately before the specimen surface is fixed.

Claim 10 (Original): The specimen surface level adjusting method according to claim 7, wherein the reference level is the average value of the level in a specific period of time before the specimen surface is fixed.

Claim 11 (Currently Amended): The specimen surface level adjusting method according to claim 7, wherein

the reflected ~~lights of the first and second measuring lights are~~ light is caused to enter an optical sensor including a plurality of photoelectric conversion elements, and

~~at least one of the position of the optical axis and the intensity~~ the loss of the reflected light is detected by monitoring the photoelectric conversion output of each of said plurality of photoelectric conversion elements.

Claim 12 (Original): The specimen surface level adjusting method according to claim 7, wherein

a specimen having the specimen surface is placed on a piezoelectric element, and
the level of the specimen surface is adjusted by a voltage applied to the piezoelectric element.